

Texas Serenity Academy District Office 262 North Sam Houston Parkway East Suite 140 Houston, Texas 77060 Office (281) 931-8887/Fax (281) 931-8034

Hagmon D. Simmons, Superintendent

Received & Inspected

SEP 102012

FCC Mail Room

September 7, 2012

Federal Communications Commission Office of the Secretary 445 12th Street SW Washington, DC 20554

RE: CC Docket No. 02-6 Request for Review

I am requesting your review of a USAC denial of the following:

Applicant Name:

Texas Serenity Academy

Billed Entity Number:

16034288

Form 471 Application Number: 581786

Funding Request Number(s):

1621331

Correspondence Dated:

July 26, 2012

Please be advised the Texas Serenity Academy Charter School is requesting a review of the decision to dismiss 1621331 and we are requesting reconsideration regarding our denial. The previous request that we submitted in our July 26th 2012 Letter of Appeal that was sent to Schools and Libraries-Correspondence Unit in Parsippany, New Jersey stated the reasons for our request. The key facts were stated in that request for reconsideration. However, we would like to add the following facts:

Our school district would have met the timely appeal of the initial March 7, 2012 Commitment Adjustment Decision (CAL) if it had not been for unforeseen circumstances. Our school district telephoned the USAC and a representative informed us that it was not necessary to submit an appeal because this matter did not directly involve our school. Sometime thereafter we received a Demand Payment Letter on May 7, 2012 and a second Demand Payment Letter was issued on June 7, 2012. Our mistake was that we relied on incorrect information.

We are asking that you please do not destroy our school district based on a procedural mistake. The facts of our case are laid out in our previous correspondence to the USAC and we have attached that correspondence. It would devastate our small school to have to pay back the amount of money requested in the Demand Payment Letter. Please find enclosures.

Thank you for your consideration.

Hagmon D. Simmons

Superintendent

Texas Serenity Academy Charter School

Hagmon D. Simmons Texas Serenity Academy 262 N. Sam Houston Pkwy East Suite 140 Houston, TX 77060

Billed Entity Number: 16034288 Form 471 Application Number: Form 486 Application Number: 581786



Universal Service Administrative Company

Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2007-2008

August 22, 2012

Hagmon D. Simmons Texas Serenity Academy 262 N. Sam Houston Pkwy East Suite 140 Houston, TX 77060

Re: Applicant Name:

TEXAS SERENITY ACADEMY

Billed Entity Number:

16034288

Form 471 Application Number:

581786 1621331

Funding Request Number(s): Your Correspondence Dated:

July 26, 2012

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision regarding your appeal for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):

1621331

Decision on Appeal:

Dismissed

Explanation:

• Your appeal is being made on a Form 471 for which a Commitment Adjustment Decision Letter (CAL) was issued on March 7, 2012. Procedures for filing an appeal are explained in your CAL and on our website at www.usac.org/sl. You had 60 days to appeal USAC's decision, which was identified in the CAL. After the 60 days, the Demand Payment Letter was issued on May 7, 2012; a second Demand Payment Letter was issued on June 7, 2012. The Demand Payment Letter, which you are appealing, is a request for payment and is not the USAC decision on the Commitment. Consequently, your appeal is being dismissed.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC

Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division Universal Service Administrative Company



Texas Serenity Academy District Office 262 North Sam Houston Parkway East Suite 140 Houston, Texas 77060 Office (281) 931-8887/Fax (281) 931-8034

Hagmon D. Simmons, Superintendent

July 26, 2012

Letter of Appeal Schools and Libraries - Correspondence Unit 30 Lanidex Plaza West PO Box 685 Parsippany, NJ 07054-0685

RE: Texas Serenity Academy Charter School Option-A appeal with USAC

Please be advised this is an appeal to the following USAC action that was dated 06/07/2012:

Funding Commitment Adjustment Report for Form 471 Application Number: 581786

Funding Request Number: 1621331 Services ID: Internal Connections

SPIN: 143022999

Service Provider Name: Rayner Services, Inc.

Contract Number: 712206
Billing Account Number: N/A
Site Identifier: 16034288

Original Funding Commitment: \$107,205.11 Commitment Adjustment Amount: \$107,205.11 Adjustment Funding Commitment: \$0.00 Funds Disbursed To Date: \$106,621.46

Funding Commitment Adjustment Explanation:

"After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the review, it was determined that the applicants consultant had a relationship with a service provider, Rayner Services, Inc. and received finders fees from Rayner Services, Inc. in which a school selected them as their services provider. FCC rules require applicant to submit a FCC Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Neither the applicant nor the applicants consultant should have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with "inside" information or allow it to unfairly compete in any way. Since the consultant has engaged in an improper relationship with a selected service provider, which represents a conflict of interest and compromises the competitive bidding process, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from both the applicant and service provider."

Opening Statement

On behalf of the Texas Serenity Academy Charter School district students, parents, faculty, staff, community partners and the Texas Serenity Academy School Board as Superintendent I would like to extend my appreciation for the USAC allowing us to submit this letter of appeal. It is vitally crucial that our school district properly presents all of the facts and circumstances which led to our school being placed in the position we currently face regarding the commitment adjustment. We realize the seriousness of this particular issue. In point of fact, if our appeal is not successful in reversing the current commitment adjustment it might jeopardize our ability to continue educating our students and providing them with the tools necessary for a well rounded education. The overall impact of the current commitment adjustment would be devastating to our school which serves 400 students in grades K-8th. We will present facts that will clearly show that our school did not violate the spirit and intent of FCC rules in relationship to FCC Form 470 which is designed to initiate the competitive bidding process and to conduct a fair and open process. In our appeal, we will attempt to prove that our school did not limit the competitive bidding process to only one provider. Furthermore, in our appeal we will demonstrate that our school was not unjustly enriched from any agreement with Rayner Services, Inc. or our consultant. In fact, our school eventually dissolved our business relationship with Rayner Services, Inc. before the commitment adjustment was issued. Our school had no knowledge or documented history that a relationship existed between Rayner Services, Inc. and our consultant (Exhibit-1). The first time this issue was brought to our attention was when we were notified by the USAC. However, we must note that upon our contacting Rayner Services, Inc. they vehemently denied to us that they had an improper "inside" relationship with our consultant. One fact not in dispute is that Rayner Services or our consultant had an improper "inside" relationship with our school. Prior to seeking funding from this program, we had never done business with Rayner Services, Inc. or our consultant. No member of the Texas Serenity Academy administration had ever contacted Rayner Services, Inc. or our consultant prior to our school seeking funding from this program.

Our position is that at the time we were seeking to participate in the program, we did everything reasonable to solicit bids from other providers than just Rayner Services, Inc. Our actions clearly demonstrated our intention to comply with the intent of the program which is "to initiate the competitive bidding process and to conduct a fair and open process." We maintained what we believe the intent and the spirit of FCC Form 470 were designed to accomplish. We did not limit our bidding process to Rayner Services, Inc. We openly sought other providers but did not receive any other inquiries. Our initial thought was that since we were new to the program, other providers might not have the interest in servicing our school. At that time our student enrollment was not at the level we are at today. Our school had not attained Adequate Yearly Progress (AYP) or achieved the success that we currently enjoy. We were a struggling school district at the time we submitted our application to participate in the program. However, our school district has improved significantly as evidenced by the Texas Serenity Academy Press Packet enclosed in this correspondence (Exhibit-2). We can point to our success being directly contributed to the funds received from participating in the program. Receiving these funds ultimately was the turnaround of our school. Funds from the program allowed us to increase technology throughout our campus. We managed and used the funds from the program in accordance of the guidelines established by USAC. We encourage you to review our record of how we have used funds received from the program. The funds from the program allowed us to introduce certain items to our school that without these funds we would have been unable to obtain the following:

- ➤ Wireless Internet
- > Smart Boards are in every classroom due to having wireless internet
- > Cell phones for all of our bus drivers in order to have constant contact with parents during bus routes.

- > Cell phones for administrative staff in order to have constant contact with parents that have questions about their child or children that attend our school.
- A computer lab that now has 85 computer work stations that is connected to the internet
- > An updated server system

The above is just a few of the technological benefits as a result of participating in the program. Our improved student test scores on the TAKS test proved that technology makes a difference when working with a student population that is over 94% free or reduced lunch. Prior to participating in the program our school did not make AYP and our student TAKS scores were rated unacceptable. After we became a participant in the program we made AYP the last four years and been rated academically acceptable the last four years. Our school turned around as a result of participating in the program. We have enclosed our AYP and academic rating so that you can compare our school's progress from 2005 to 2011 (Exhibit-3). If our school district is penalized by the USAC for unknowingly committing an unintentional violation that would essentially remove us from the program, the progress we have gained would be greatly jeopardized. Again, Rayner Services, Inc. is no longer a provider for our school district. At the time we received our initial approval to participate in the program no other provider's submitted bids. It must also be noted that when we became a participant in the program we immediately attempted to solicit bids from other providers by posting notices that our school was accepting bids. We posted these bids on our school front doors and had the information listed on our school website.

To punish an entire school for the actions of one company would devastate our school. We implore you to reverse the action of rescinding the status of our participation in the program. Financially, asking our school to pay back \$107,205.11 would virtually wipe our school out.

Case History

On August 25, 2011 I received a correspondence from Ms. Jessica Olsen (Special Compliance) of Solix, Inc. It was in regards to BENs 16034288 and 16034289. In response to the e-mail I received from Ms. Olsen dated August 25, 2011 I explained that Mr. Will Evans approached me in 2005-06 school year and informed me that our school district (Texas Serenity Academy) might be eligible for E-Rate services due to the makeup of our school district population. At that time over 95% of our students received free and reduced lunch and over 95% of our students were classified as economically disadvantaged. Prior to this time we had never received E-Rate funding and we literally knew nothing about the e-rate program. However, our administrative staff felt this would be a great benefit to our student population. E-Rate would allow us to expand our technology program which at the time was greatly needed.

As Superintendent I assembled a technology consulting team consisting of Texas Serenity Academy school administration members. This team then met with Mr. Evans. Mr. Evans assisted us in completing the necessary E-Rate paperwork including the application; this included our technology plan. We submitted the application but were denied because our expected needs and actual needs changed drastically. The following school year our school relocated to another location, updated our needs and changed the 470 to reflect such. Our school was then approved.

Evans consulting services never determined our needs. Furthermore, Mr. Evans did not participate in the service provider process. As of the 470 range of services generated, Rayner Services contacted me and was the only provider who submitted a bid. Mr. Evans was used as our consultant. He did not participate in the vendor selection process. He inputted the requirements of the school (administrative functions) into the 470 application after discussion with us in regards to our needs. He also provided us with samples of technology plans to assist in the completion and approval of our technology plan. We had no idea Mr. Evans and Rayner Services had any type of relationship. This was never divulged to our organization.

It is our opinion and correct position that the competitive bidding process was fair and open. Rayner Services was the only service provider that submitted a proposal to our school district on the services they were equipped to provide. Since this was a fair and open bid process the FRN's should not be denied.

Finally, it must be noted that after one year of receiving services from Rayner Services we were displeased with their services and the following school year we opted to go with another vendor. We received numerous bids that school year and thus decided to change providers. We selected Advances Network. At no point and time did Mr. Evans attempt to influence our school into remaining with Raynor Services.

Summary

In summary, on behalf of the students, parents, faculty and staff of Texas Serenity Academy I am pleading that you not punish our school district for something we had no direct control over. Taking any portion of our E-Rate away would significantly harm our school district. Again, we did not breach the spirit or the intent of the open bidding process. Our consultant did not compromise the E-Rate bidding process in relationship to our school. Any prior business relationship that our consultant might have had with Rayner Services was not factored into the selection process. Our school entered into an agreement because at that time Rayner Services was the only viable option we had.

If you need additional information in reaching your decision feel free to contact me via e-mail at hagmons@sbcglobal.net or telephone me at (281) 931-8887, or fax (281) 931-8034.

Sincerely,

Hagmon Simmons Superintendent

Texas Serenity Academy



Texas Serenity Academy District Office 262 North Sam Houston Parkway East Suite 140 Houston, Texas 77060 Office (281) 931-8887/Fax (281) 931-8034

Hagmon D. Simmons, Superintendent

August 30, 2011

Ms Jessica Olsen
Special Compliance
Solix, Inc.

Re: BENs 16034288 and 16034289

Dear Ms Olson,

This is a response to the e-mail I received from you dated August 25, 2011. Mr. Will Evans approached me in 2005-06 school year and informed me that our school district (Texas Serenity Academy) might eligible for e-rate services due to the makeup of our school district population. At that time over 95% of our students received free and reduced lunch and over 95% of our students were classified as economically disadvantage. Prior to this time we had never received e-rate funding and we literally knew nothing about the e-rate program. However, our administrative staff felt this would be a great benefit to our student population. E-rate would allow us to expand our technology program which at the time was greatly needed.

As Superintendent I assembled a technology consultant team consisting of Texas Serenity Academy school administration members. This team then met with Mr. Evans. Mr. Evans assisted us in completing the necessary e-rate paperwork including the application; this included our technology plan. We submitted the application but were denied because our expected needs and actual needs changed drastically. The following school year our school relocated to another location, updated our needs and changed the 470 to reflect such. Our school was then approved.

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Finally, it must be noted that after one year of receiving services from Raynor Services we were displeased with their services and the following school year we opted to go with another vendor. We received numerous bids that school year and thus decided to change providers. We selected Advances Network. At no point and time did Mr. Evans attempt to influence us into remaining with Raynor Services.

In summary, on behalf of the students, parents, faculty and staff I am requesting that you not punish our school district for something we had no direct control over. Taking any portion of our e-rate away would significantly harm our school district. Again, we did nothing wrong. Mr. Evans did not compromise the e-rate bidding process.

If you need additional information in reaching your decision feel free to contact me via e-mail at hagmons@sbcglobal.net or telephone me at (281) 931-8887, or fax (281) 931-8034.

Sincerely,

Hagmon Simmons Superintendent

Texas Serenity Academy

Texas Serenity Academy Press Packet

"If a child does not learn the way you teach, then teach the way they learn..."

Texas Serenity Academy

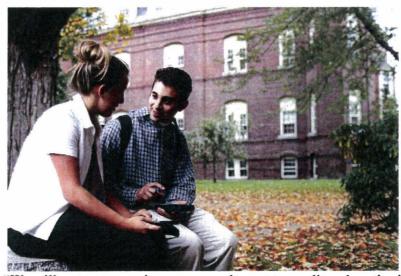


Summer – Spring 2012-2013

PREPARED BY:
TEXAS SERENITY ACADEMY DISTRICT OFFICE
(281) 931-887
HAGMON SIMMONS, SUPERINTENDENT

THE HISTORY OF TEXAS SERENITY ACADEMY

Texas Serenity Academy was founded in 1998 and is a second generation charter school. Texas Serenity Academy is a 501 C-3 non-for-profit corporation registered with the State of Texas. The school was originally located in Conroe, Texas and was part of a Residential Treatment Center designed to help educate at-risk youth. The school relocated to Houston in 1995 as an open enrollment charter school which accepted students throughout the surrounding Houston area. Our district office is located at 262 North Sam Houston Parkway East Suite 140 in Houston; our school has enjoyed our current campus location at 8500 Sweetwater since 2007. Our school serves 400 students a year and we have had a student enrollment waiting list the last 4 years. We turned almost 300 student enrollment applications away the last 4 years due to the fact that we were at our enrollment capacity of 400 students each year.



"We will not compromise our commitment to quality education"

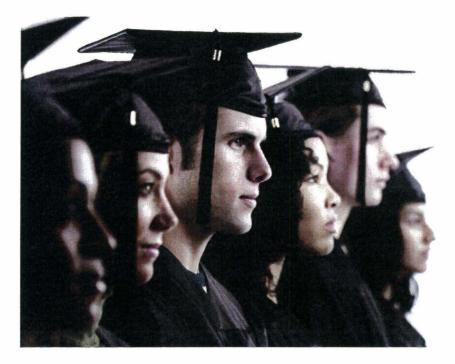
ABOUT THE TSA CORPORATE CAMPAIGN

The Texas Serenity Academy Corporate Campaign is designed to help raise community support for the ongoing education and development of disadvantaged and at-risk students who attend Texas Serenity Academy Charter School. The campaign is a result of volunteers within the community taking an interest in Texas Serenity Academy and they feel encouraged to support its positive mission. These volunteers have taken the time to lend their resources, expertise and business relationships to support this effort designed to bring awareness to the positive aspects and growth of our school. Our school is seeking to have the Texas Education Agency renew our charter in an effort to continue providing quality education to students in grades K-8th.

Here are the levels of participation:

- > Corporate Leaders: May assist with expanding programs, mentoring, volunteering for special events and recruiting other leaders interested in helping support the growth of our school.
- Fundraising: Help locate resources in which to build a new *Texas Serenity Academy* campus and to provide our students with an improved learning environment.
- > Community Involvement: Help encourage and increase parents' participation with Texas Serenity Academy, to further increase participation from community leaders with Texas Serenity Academy, and to teach our students the importance of serving the community in which they live.
- > Special Events: Participate in coordinating and sponsoring fundraisers such as Back to School Backpack Give-Away, Fall Festival, Winter Carnival, Science Project Competitions, Monthly Corporate Luncheons, etc.





"As Superintendent of Texas Serenity Academy this is the goal our school district has set for every student ..."

Thank you for your continued support,

Hagmon Simmons, MA Superintendent

HIGHLIGHTS OF TEXAS SERENITY ACADEMY SCHOOL

"Annual Yearly Progress (AYP)"

• Our school has met AYP the last 4 consecutive years. AYP is awarded to school districts that have met all of the key school operations compliance areas as determined by the Texas Education Agency (TEA).

"ACE 21st Century Enrichment Program Recipient"

- Our school received this grant from the Texas Education Agency in the fall of 2011 and it is offers enrichment programs such as extended day tutorials, CSTEM, Robotics, Boy Scouts, Arts and Science Programs, Golf, Karate, Cooking, Self Esteem All About Me, etc. It also allows our school to offer free adult GED, English and computer classes to the community which are held in the evenings at our school.
- Allows students to receive two (2) additional hours of school each day throughout the entire school year and four (4) hours of Enrichment during the Summer.

"Successful Financial Department..."

- School financial audits submitted on time to TEA
- School financial audits 100% compliant with TEA regulations
- School has met all financial obligations
- School has met financial integrity
- Employee payrolls are made on time
- Vendors are paid on time
- Positive cash flow

"TSA Campus Improvement Committee (CIC)..."

- Dr. Bobby Mills serves as our Campus Improvement Coordinator and helps develop resources to improve our education format and community partnerships
- CIC helped improve our communication with TEA, Region 4, Region 6 and the Texas Charter School Association

"TSA School/Governance Board Support..."

- Creditable volunteer school board members
- Bylaws that were accepted by the State and TEA
- All board members participate in TEA required board training
- TSA Board holds regular scheduled board meetings
- Our Board has adopted the Texas Charter School Association Policy & Procedures

"Improved TAKS and Competitive STAAR Scores..."

- TSA rated academically acceptable
- TSA TAKS scores average above 93% in several testing areas
- TAKS Scores steadily improve in every grade and testing area
- TSA expects to do very well on the new STAAR test in 2012-2013

"Student Attendance Compliance..."

• TSA student attendance reports remain in 100% compliance with TEA

"TSA's demonstrated leadership, compliance and growth..."

- Since 2008 over \$400,000.00 has been invested in improvements to our campus interior and exterior physical plant
- TSA School Board and TSA administrative staff leadership has invested money in improvements to the school campus including remodeling all classrooms, adding Smart Boards for 2nd-8th grades, restrooms, cafeteria, landscaping, building exterior, indoor and outdoor water fountains, electric restroom hand dryers, the heating/air conditioning system, etc.
- Since 2008 Texas Department of Criminal Justice has donated their used computers to our school; TSA receives about 400 to 600 computers a year and every student that attends our school receives a free computer to take home; it is fully loaded with educational software
- Since 2009 Wal-Mart has donated books, school supplies and toys to our school
- Since 2008 LULAC has donated school supplies and toys to our school
- Since 2008 the George Strake Foundation has donated \$5000.00 each year to our science laboratory
- In 2008 Houston Independent School District donated ESL books to our school
- In 2008 Saint Sheppard Church in Dallas, Texas donated an \$80,000.00 portable school building
- In 2009 our landlord built a new gymnasium worth over \$300,000.00
- In 2008 added Protection One to monitor interior and exterior of campus including 20 security cameras and alarm systems
- Lowe's donated \$5,000.00 for playground equipment
- Houston Chronicle Design Center supported the decorating of the school lobby
- Since 2009 the United Way has donated furniture and fixtures to TSA
- In 2010 TSA hired an experienced grant writing company to write grants for TSA including the ACE 21st Century Enrichment Grant
- In 2010 TSA received a D.A.T.E Grant for up to \$20,000.00
- In 2010 TSA received the Algebra One Readiness Grant of \$42,000.00 from the University of Texas Dana Center

- In 2010 TSA was selected to participate in a nationwide Waterford software grant that could lead to \$10,000.00 and 5 new laptop computers
- In 2010 TSA received commitments from individuals within the community to participate in a fundraiser to raise and donate \$100,000.00 for TSA
- Since 2008 TSA has maintained school text books in accordance with adoption periods
- 2008 TSA added educational software programs such as Saxon Phonics, Success Maker Pathfinder Version, TSA added Waterford, etc.
- 2008 TSA added an Accelerated Reading Curriculum
- 2008 TSA added math manipulative(s) for K-8th grade
- 2008 TSA added listening equipment for reading and listening centers
- 2008 TSA added 3rd- 8th grade reading novels and DVD's for each novel
- 2011 TSA added new student study guides for the new student STAAR Test

"Community support for Texas Serenity Academy..."

- 7th Secretary of Education Dr. Rod Paige supports TSA along with many other community leaders, spiritual leaders, political leaders, community activists and spiritual leaders; many of these leaders have attended and participated in our graduation ceremonies and other school events.
- Texas Lieutenant Governor David Dewhurst has written letters supporting TSA.
- TSA has received over 1000 testimonial letters from people in the community that support the mission of our school.

"How our leadership improved TSA..."

- Shift focus to classroom management and instruction
- Invested more money into hiring more highly qualified teachers
- Focus on student assessments, student learning materials, technology and daily attendance
- Improved our curriculum and instruction
- Since 2008 TSA has invested heavily in Science to include a fundraiser for private donors
- Added mandatory afterschool and Saturday tutorials
- Added extended school days on Tuesday and Thursdays
- Increased emphasis on daily writing journals
- Actively involved our Campus Improvement Committee
- Worked closely with TEA, Region IV and Region VI
- Improved our staff training and development
- Increased our Ancillary Department to offer students more such as Journalism class, Spanish, Drama, Music, etc.
- Encouraged our Parent Teacher Organization to become more involved

"Athletic Department improvements..."

- Boys and girls soccer
- Boys and girls basketball
- · Boys and girls track/field
- Boys flag football
- Girls volleyball
- Majorette Baton Twirling

"Other student activities..."

- Drama Club
- Cinco De Mayo program
- Black History program
- Field Day
- Kindergarten, 5th & 8th Grade graduation ceremonies
- Field trips to NASA, Houston Zoo, Petco, Veggie Pals and Splash-Town
- Yearbook committee

"Improved Technology"

- Laptop Computers for all middle school students
- Every student receives a dell desk top computer to take home
- Entire school has wireless internet
- E-Rate has been used to improve technology
- Smart Boards inside all classrooms
- Listening centers in every classroom
- Computer work stations in every classroom
- 90 seat computer laboratory (Photos in Photographic Tour Section)

PHOTOGRAPHIC TOUR

Tour Our Current Campus 8500 Sweetwater











































Sweetwater Campus Computer Laboratory







Sweetwater Science Laboratory









Texas Serenity Academy
Transportation Department
"Our school district has built a
fleet of 15 school buses."

